

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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CLAUDETTE C. MILLER and WILLIAM MILLER,
her husband,

Plaintiff,

CIVIL ACTION NO.:

MONTEZ A. JACKSON, USA TRUCK INC., JOHN
DOE 1-X (said names being fictitious, true names
presently unknown); ABC CORP. 1-X (said names
being fictitious, true names presently unknown),

NOTICE OF REMOVAL

Defendants.
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TO: Daniel Epstein, Esq.
Epstein Ostrove, LLC
200 Metroplex Drive, Suite 304
Edison, New Jersey 08817

PLEASE TAKE NOTICE, that on this date, defendants MONTEZ A. JACKSON and USA TRUCK, INC. by their undersigned counsel, have filed this Notice of Removal pursuant to 28 U.S.C. §1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey.

1. Plaintiffs CLAUDETTE C. MILLER and WILLIAM MILLER brought a lawsuit against the defendants MONTEZ A. JACKSON and USA TRUCK INC. (and fictitious named defendants) by filing an Amended Complaint and Jury Demand in the Superior Court of the State of New Jersey, Law Division, Somerset County on or about August 17, 2017 as a result of an alleged accident which occurred on or about November 15, 2015. A copy of the Amended Complaint is annexed hereto as Ex A.

2. The Summons and Amended Complaint were not received by MONTEZ A. JACKSON to date.

3. The Summons and Amended Complaint were not received by USA TRUCK INC. to date.

4. There have been no other proceedings in this action.

5. According to the plaintiffs' complaint (Ex. A), the plaintiffs purport to be citizens and residents of the State of New Jersey, residing in Bound Brook, Somerset County.

6. Defendant USA TRUCK INC. is an Arkansas corporation, with its principal offices in Van Buren, Arkansas.

7. Defendant MONTEZ A. JACKSON is a resident of the State of Pennsylvania,

residing in Allentown, Pennsylvania.

8. In the First Count, paragraphs 3 & 4 of the plaintiffs' Complaint, plaintiff Claudette Miller allegedly sustained and suffered serious injuries; and was seriously injured, suffered and in the future will experience great pain and suffering, did and in the future will be required to expend large sums of money for medical care and attention and has been and will in the future be disabled and prevented from attending to her necessary affairs and business (Ex. A).

9. On August 28, 2017, our office served on the plaintiffs a Demand for Statement of Damages claimed. Ex. B.

10. The plaintiffs have not responded to the Demand for Statement of Damages.

11. Based upon the language set forth in the plaintiffs' Complaint as for her alleged non-economic damages, the matter in controversy exceeds \$75,000, exclusive of interest and costs. *Please see* Ex. A.

12. Jurisdiction over the subject matter of this action is conferred on this Court by 28 U.S.C. §1441(a).

13. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 in that the parties are of complete diversity of citizenship, the amount in controversy exceeds \$75,000 exclusive of interest and costs.

14. The defendants have not received a Summons and Amended Complaint and, therefore, this Notice is necessarily filed with this Court within 30 days of defendants' receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that the defendants, upon filing the Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Somerset County Courthouse, 20 N. Bridge St, Somerville, NJ 08876, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(b).

Dated: October 6, 2017

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
MONTEZ A. JACKSON and USA TRUCK INC.
124 First Avenue

Atlantic Highlands, New Jersey 07716

BY:



LORNE M. REITER, ESQ.